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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,695	03/04/2002	Yuichi Sato	1086.1157	2823

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EXAMINER
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KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/086,695	SATO ET AL.	
	Examiner	Art Unit	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is a first Office Action on the merits of this application. Claims 1-17 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 is a dependent claim from claim 1 and recites the limitation "said application sharing" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 16 is directed to a "collaboration program", which is a non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U. S. Patent 6,772,229 to Achacoso et al. (hereinafter Achacoso) in view of the U. S. Patent 6,640,241 to Ozzie et al. (hereinafter Ozzie).

Regarding claim 1, Achacoso teaches a collaboration method, the method comprising: a mail sending step which includes sending an electronic mail to a plurality of conferee peers, said electronic mail having a URL of a conference host peer described thereon for automatically taking part in a conference by clicking once (Achacoso, col. 8, lines 63-67 and col. 9, lines 1-2);

Achacoso does not explicitly teach that the collaboration method is effected through a peer-to-peer network.

However, Ozzie teaches a server-based collaboration method (Ozzie, fig.3, clients 306, collaborating through server 310) in combination with a collaboration method effected through a peer-to-peer network (Ozzie, fig. 3, network of peers 312, peers 314A-314D).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the conference notification techniques of Achacoso with a collaboration method effected through a peer-to-peer network taught by Ozzie to reduce the workload on the server.

Achacoso further does not explicitly teach a data distribution step which includes searching a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data, and, after distribution of data, informing remaining conferee peers that said data distributed conferee peer is a mirror of said remaining conferee peers, and searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror to distribute data, the above processes being repeated until data distribution completes.

However, Ozzie teaches a data distribution step which includes searching a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data (Col. 22, lines 11-18 – latency inquires from peer units and latency routing determination performed by the peer units), and, after distribution of data, informing remaining conferee peers that said data distributed

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conferee peer is a mirror of said remaining conferee peers (Col. 8, lines 59-64 – data distribution and replication (mirroring) between peers), and searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror to distribute data, the above processes being repeated until data distribution completes (Col. 22, lines 11-18 – latency inquires from peer units and latency routing determination performed by the peer units).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the conference notification techniques of Achacoso with latency inquires performed by the peer units and latency routing determination performed by the peers of Ozzie in order to allows users at various remote sites to share and edit documents on a peer-to-peer basis, while maintaining consistent copies of the documents at local sites. (Ozzie, col. 3, lines 48-56).

Regarding claim 2, Achacoso teaches the method according to claim 1, wherein in said mail sending step, said URL includes an HTML file and said HTML file has an URL of said host peer for use in peer connection (Achacoso, col. 8, lines 63-67 and col. 9, lines 1-2 – distribution of the address book of the peers).

Regarding claim 3, Achacoso teaches the method according to claim 2, wherein in said mail sending step, said URL described on said electronic mail includes a URL of an Internet service provider that dynamically allocates IP addresses, and said URL described on said HTML file is a temporary URL, for use in peer connection, allocated from said Internet service provider to said conference host peer (Achacoso, col. 9, lines

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34-41, e-mail notification regarding URLs or other channels necessary for collaboration).

Regarding claim 4, Achacoso teaches the method according to claim 1, wherein in said mail sending step, a specified time to start a conference and said URL are described on said electronic mail so that said conferee peers are kept on standby and activated at said specified time so as to allow said conferee peers to automatically take part in the conference (Achacoso, col. 9, lines 2-10 – group scheduling software).

Regarding claim 5, Achacoso teaches the method according to claim 1, wherein if there is a time lag with the mail sender side upon reception of an electronic mail, said conferee peer is activated at a specified time after correction of said time lag so as to allow said conferee peer to automatically take part in a conference (Achacoso, col. 13, lines 64-67 and col. 14, lines 1-4 – information input (such as conference notifications) are synchronized, using any appropriate data notification techniques. Col. 3, lines 54-57 – data necessary for participation is received automatically).

Regarding claim 6, Achacoso teaches the method according to claim 1, wherein if there is a time lag with the mail sender side upon reception of an electric mail, said conferee peer automatically corrects the system time of the mail receiver side into the system time of the mail sender side and activates at a specified time so as to allow said conferee peer to automatically take part in a conference (Achacoso, col. 13, lines 64-67 and col. 14, lines 1-4 – information input (such as conference notifications) are synchronized, using any appropriate data notification techniques. Col. 3, lines 54-57 – data necessary for participation is received automatically).

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Regarding claim 7, Achacoso teaches the method according to claim 1, wherein in said data distribution step, when a conferee peer to be a data requester receives a plurality of addresses of data distributors (Achacoso, col. 9, lines 1-2 – address book of the participants).

Achacoso does not explicitly teach said conferee peer searches a data distributor at a shortest time location through a communication test to each data distributor and requests data distribution of said data distributor at a shortest time location.

However, Ozzie teaches said conferee peer searches a data distributor at a shortest time location through a communication test to each data distributor and requests data distribution of said data distributor at a shortest time location (Ozzie, col. 22, lines 11-18 - comparative least latency routing determinations performed by the peer units 802A-D).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the data distribution steps of Achacoso with a data distribution steps from a distributor at the shortest time location of Ozzie in order to reduce latency in the distribution of collaboration data.

Regarding claim 8, Achacoso teaches the method according to claim 1 or 7, wherein said data distribution step includes allowing conference data as said data to be automatically distributed from said conference host peer to all conferee peers or to a conferee peer that made a request (Achacoso, col. 3, lines 54-57 – automatic distribution of data to participants. Col. 3, lines 34-38 – request-based distribution of data).



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Regarding claim 9, Achacoso teaches the method according to claim 7.

Achacoso does not explicitly teach the additional limitations of claim 9, wherein said data distribution step includes allowing conference data to be automatically distributed before the conference starts through connection of said conference host peer and said conferee peers.

However, Ozzie teaches the data distribution step wherein said data distribution step includes allowing conference data to be automatically distributed before the conference starts through connection of said conference host peer and said conferee peers (Ozzie, col. 5, lines 39-44).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the data distribution steps of Achacoso with a data distribution steps of Ozzie in order to provide the distribution of data in situations where the remote network-capable device is temporarily not connected to the network (Ozzie, col. 5, lines 39-40).

Regarding claim 10, Achacoso teaches the method according to claim 1 or 7, wherein said data distribution step includes allowing a conference log of the previous conference to be automatically distributed as said data from said conference host peer to all conferee peers or a conferee peer that made a request (Achacoso, col. 5, lines 46-53 – distribution of notice that comprise at least a summary of the information input over preceding period).

Regarding claim 11, Achacoso teaches the method according to claim 10, wherein said data distribution step includes allowing said conference log of the previous

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conference to be distributed from a certain peer to only conferee peers that took part halfway in the conference (Achacoso, col. 9, lines 43-49).

Regarding claim 12, Achacoso teaches the method according to claim 1.

Achacoso does not explicitly teach the method further comprising: an application sharing step which includes sharing any application currently running on a plurality of conferee peers inclusive of said conference host peer while a conference is being held, and free-hand drawing or entering notes onto images generated by said application.

“Official Notice” is taken that the concept and the advantages of using free-hand drawings during group meetings such as peer collaborations is old and well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Achacoso by adding computerized writing tablet software to the suite of applications being shared. One of ordinary skills in the art would be motivated to do so in order to enhance the presentation capabilities of peers during conference participation.

Regarding claim 13, Achacoso teaches the method according to claim 1, wherein said application sharing step including uploading images containing free-hand drawing to a Web server so as to allow a browse by the browser. (Col. 9, lines 14-21 – use of stored pieces of information over via a channel, such as URL).

Regarding claim 14, Achacoso teaches the method according to claim 1, wherein said application sharing step includes arranging, on a Web screen to be browsed, URLs of conferee peers for automatically taking part in a conference only by

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clicking once (Achacoso, col. 9, lines 1-2 – address book of the participants; Ozzie, col. 8, lines 27-34, lines 44-46 – peers are represented by their URLs).

Claim 15 is essentially the same as claims 1, except that it sets forth the invention as a system, rather than a method, as does claim 1. Therefore, claim 15 is rejected for the same reason as the above rejected claim 1.

Claim 16 is essentially the same as claims 1, except that it sets forth the invention as a program, rather than a method, as does claim 1. Therefore, claim 16 is rejected for the same reason as the above rejected claim 1.

Claim 17 is essentially the same as claims 1, except that it sets forth the invention as a computer readable record medium, rather than a method, as does claim 1. Therefore, claim 17 is rejected for the same reason as the above rejected claim 1.

6. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

08/02/2005  
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